



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 27, 2023

The Court intends to rule on the Government's motion by 3:30 pm ET today (March 27).

Jennifer H. Rearden, U.S.D.J.
Date: March 27, 2023

BY ECF & ELECTRONIC MAIL

Hon. Jennifer H. Rearden
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007
ReardenNYSDChambers@nysd.uscourts.gov

Re: *United States et al. v. Voyager Digital Holdings et al.*, No. 23 Civ. 2171 (JHR)
(Bankruptcy Appeal)

Dear Judge Rearden:

I write respectfully on behalf of appellants the United States of America and Justice Department official William K. Harrington, the United States Trustee for Region 2 (together, the “Government”), with respect to the stay of the bankruptcy court’s Confirmation Order, which the Court has extended through tomorrow, March 28, at 5pm. See ECF No. 41. We believe it is in all parties’ interests for this Court to have an opportunity to rule on the Government’s stay motion before any party seeks relief in the Second Circuit. However, we must also protect the Government’s rights and avoid any argument of equitable mootness by allowing a stay to expire without a decision. This entails ensuring the Second Circuit has adequate time to rule on any further applications.

We therefore wish to inquire respectfully regarding the Court’s anticipated timing. If the Court intends to rule on the Government’s stay motion by early this afternoon—or if the Court does not intend to rule by that time, but does intend to extend the administrative stay to allow additional time to consider the parties’ arguments—then the Government will wait to review any further orders of the Court. However, if the Court does not intend to rule or extend the stay

administratively by early this afternoon, we intend to file an emergency application in the Second Circuit by 2:00pm to ensure the Government's rights are protected, as we noted in our Thursday evening letter. *See* ECF No. 38 at 2 ("We would thus aim to file our papers with the Second Circuit as early as possible in the day at least one business day before any stay is set to expire.").

We sincerely appreciate the Court's attention to this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Lawrence H. Fogelman
LAWRENCE H. FOGELMAN
JEAN-DAVID BARNEA
PETER ARONOFF
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2800
E-mail: Lawrence.Fogelman@usdoj.gov
Jean-David.Barnea@usdoj.gov
Peter.Aronoff@usdoj.gov
Assistant United States Attorneys
Telephone: (212) 637-2800

cc: All parties (by ECF)